

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX REFERENCE NO.318 OF 1995

The Commissioner of Income-tax ..Applicant.

V/s.

Shri Bharat Shah Family Trust ..Respondent.

Mr.A.S.Rao for applicant.

Mr.S.J.Mehta for the respondent.

CORAM : V.C. DAGA AND
J.P.DEVADHAR, JJ.

DATED : 15TH MARCH, 2005.

P.C. :-

1. In this reference, the question referred for the opinion of this Court reads as under :-

" On the facts and in the circumstances of the case, whether the Tribunal was right in law in upholding the order of the CIT (A) directing the ITO to allow weighted deduction u/s.35B of the Act in respect of bank interest of Rs.12,35,791/- on packing credit ?

2. The Counsel for both the sides agree that the above question referred by the Tribunal may be answered in terms of the Division Bench Judgment of this Court in the case of C.I.T. V/s. Jaipur Metals and Electricals Ltd. [(1995) 215 I.T.R. 413 (Bom.)]. In this view of the matter, the question is answered in the affirmative i.e. in favour of the assessee and against the revenue. The reference stands disposed of accordingly with no order as to costs.

(V.C. DAGA, J.)

(J.P.DEVADHAR, J.)

